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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Programme of activities for the implementation of the International Decade for People of African Descent

Report of the Secretary-General

Summary

The programme of activities for the implementation of the International Decade for People of African Descent gives great importance to the promotion and protection of the rights of women of African descent. In this context, the present report provides an overview of the enjoyment of human rights by women and girls of African descent, drawing from the work of international human rights mechanisms. The report is also informed by responses from key stakeholders to a questionnaire circulated by the Office of the United Nations High Commissioner for Human Rights.

Women and girls of African descent face intersecting and multiple forms of discrimination, including based on race/ethnicity, sex, gender, nationality, migration status and/or other social status. The present report focuses on women who belong to communities descended from victims of the transatlantic slave trade and migrant African women in the diaspora.

The report contains an analysis of the findings of international human rights mechanisms in select areas, in order to illustrate how discrimination against women and girls of African descent is manifested. The areas selected, based on the Programme of Activities for the International Decade, are poverty, education, health, employment, administration of justice, political participation, gender-based violence and stereotypes. Throughout the report, good practices for the realization of the rights of women and girls of African descent are highlighted. The report also contains recommendations for the improvement of the human rights situation of women and girls of African descent.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/16, by which the Assembly adopted the programme of activities for the implementation of the International Decade for People of African Descent. It presents an overview of the enjoyment of human rights by women and girls of African descent, drawing on the work of international human rights mechanisms. The report is also informed by responses from key stakeholders to a questionnaire circulated by the Office of the United Nations High Commissioner for Human Rights (OHCHR).[1]

2. Particular attention is given to the human rights situation of women and girls of African descent in the programme of activities, where it is stated that States should adopt and implement policies and programmes that provide effective protection for, and review and repeal all policies and laws that could discriminate against, people of African descent facing multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status. It is also stated that States should mainstream a gender perspective when designing and monitoring public policies taking into account the specific needs and realities of women and girls of African descent, including in the area of sexual and reproductive health and reproductive rights.

3. Women of African descent continue to face disproportionately high rates of poverty and barriers in access to education, health services and political participation. Human rights mechanisms have expressed concern at the unequal and discriminatory treatment of women of African descent within the justice system and noted that they are particularly vulnerable to gender-based violence.[2] While the present report presents illustrative examples of the human rights implications of such disparities, addressing discrimination against women of African descent requires more systematic monitoring as well as greater efforts to collect disaggregated data.

[1] On 27 March 2017, OHCHR circulated a questionnaire addressed to all relevant stakeholders requesting information for the present report. As at 7 June 2017, information had been received from 9 States (Argentina, Colombia, Cuba, Greece, Italy, Morocco, Mexico, the Netherlands and Peru) and 10 national human rights institutions (Afghanistan Independent Human Rights Commission, National Human Rights Commission of Argentina, National Human Rights Commission of Honduras, National Human Rights Commission of India, National Human Rights Commission of Mexico, Netherlands Institute of Human Rights, Office of the Ombudsman of the Plurinational State of Bolivia, Office of the Ombudsman of Colombia, Office of the Ombudsman of Ecuador, Office of the Ombudsman of Peru). Submissions were also received from six civil society organizations (Dominican-Haitian Meeting Network, Tula Museum Foundation, International Dalit Movement, Peruvian Institute of Agrarian Action, Movement for Peace and Sociocultural Movement for Haitian Workers), as well as from the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights, the United Nations country teams in Brazil and Paraguay and the Department of Public Information of the United Nations Secretariat.

[2] See the report of the Working Group of Experts on People of African Descent on its mission to Panama (14-18 January 2013) (A/HRC/24/52/Add.2, annex) and on its mission to Brazil (4-14 December 2012) (A/HRC/27/68/Add.1, annex).

Human rights of women of African descent and intersectionality

4. International and regional human rights mechanisms have recognized that women and girls of African descent experience discrimination in multiple and intersecting ways.

5. In 2000, the Committee on the Elimination of Racial Discrimination adopted its general recommendation No. 25 on gender-related dimensions of racial discrimination, in which it recognized that there were circumstances in which racial discrimination only or primarily affected women, or affected women in a different way, or to a different degree than men and noted that such racial discrimination would often escape detection if there were no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life (CERD/C/GC/25, para. 1). In 2011, the Committee adopted its general recommendation No. 34 on racial discrimination against people of African descent, highlighting the gender-related dimensions of racial discrimination and calling for States parties to the Convention on the Elimination of Racial Discrimination to take into account, in all programmes and projects, the situation of women of African descent and for all reports to the Committee to include information on the measures taken to address racial discrimination against women of African descent (CERD/C/GC/34, paras. 23 and 24).

6. Similarly, the Committee on the Elimination of Discrimination against Women has addressed intersectional discrimination and its impact on women's enjoyment of their human rights.[3]

7. In the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, participants recognized multiple discrimination and requested States to increase public actions and policies in favour of women of African descent, given that racism affected them more deeply, placing them in a more marginalized and disadvantaged situation.[4]

8. The Working Group of Experts on People of African Descent has often addressed the intersectional discrimination faced by women and girls of African descent in its country visits[5] and has discussed this issue in several public sessions and thematic reports.

9. At the regional level, the Inter-American Commission of Women in its Declaration of Lima on Equality and Autonomy in the Exercise of Women's Rights recognized the particular inequality that Afro-descendant and indigenous women face in exercising their rights.[6] The Organization of American States Rapporteur on the Rights of Women has paid particular attention to the human rights situations of indigenous women and women of African descent in the Americas through country visits and thematic reports.[7]

[3] See, for example, CEDAW/C/GC/35, paras. 12 and 38 (b); CEDAW/C/GC/34, paras. 14 and 15; and CEDAW/C/GC/33, paras. 8 and 10.

[4] See A/CONF.189/12 and Corr.1, chap. I, para. 9 A.

[5] See, for example, A/HRC/33/61/Add.2, A/HRC/30/56/Add.2, A/HRC/30/56/Add.1, and A/HRC/27/68/Add.1.

[6] See Inter-American Commission of Women, document OEA/Ser.L/II.2.67.

[7] See http://www.oas.org/en/iachr/women.

II. Achievements and challenges with respect to the human rights of women of African descent

10. The sections below contain an overview of the enjoyment of human rights by women and girls of African descent, drawing from the work of international human rights mechanisms and focusing on select thematic areas.

A. Poverty

11. The Beijing Platform for Action highlights the relationship between poverty and gender inequality in all areas of women's lives, noting that:

> Women's poverty is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources, including credit, land ownership and inheritance, lack of access to education and support services and their minimal participation in the decision-making process. Poverty can also force women into situations in which they are vulnerable to sexual exploitation.[6]

12. In the guiding principles on extreme poverty and human rights, the Special Rapporteur on the issue explicitly recognized that discrimination and exclusion were among the major causes and consequences of poverty, including based on race (see A/HRC/21/39, para. 8). She also explained that "women are disproportionately represented among the poor owing to the multifaceted and cumulative forms of discrimination that they endure. States are obliged to eliminate both de jure and de facto discrimination against women and put in place measures to achieve equality between men and women" (ibid., para. 23). The Working Group on the issue of discrimination against women in law and in practice has also highlighted that women live in poverty disproportionately, in particular women from minority communities (see A/HRC/26/39, paras. 24 and 25).

13. In the case of Latin America, the observations and findings of human rights mechanisms confirm that the rate of poverty is disproportionately high for women, but that, for women of African descent, it is even higher.[7] In its report on its mission to the United States of America, the Working Group of Experts on People of African Descent pointed out that, in the United States, 37 per cent of households headed by African-American women live below the poverty line (see A/HRC/33/61/Add.2, para. 56). In her report on her mission to the United Kingdom of Great Britain and Northern Ireland, the Special Rapporteur on violence against women, its causes and consequences, highlighted that women of African descent and migrant African women in the diaspora are more likely to depend on State benefits and thus have been particularly affected by cuts to public and social services (see A/HRC/29/27/Add.2, para. 93).

14. Government and intergovernmental programmes have increasingly taken a gendered approach to poverty reduction; however, very few countries have taken an intersectional approach, taking into account gender and race and ethnicity, to poverty reduction strategies.

[6] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 51.

[7] See Inter-American Commission on Human Rights, document OAS/Ser.L/V/II. Doc. 62, para. 63.

Box 1

Ecuador: national plan for good living, 2013-2017

In Ecuador, the Government adopted a national plan for good living, 2013-2017. Objective 2 of the plan establishes the need to encourage equality, cohesion, inclusion and social and territorial equity in diversity. To that end, the Government has committed to developing and implementing an intersectoral strategy for the eradication of poverty and the closing of inequality gaps, with emphasis on guaranteeing rights, gender, intergenerational and intercultural equity, access to assets and means of production, and generation of capabilities.

B. Education

15. The right to education, including its equal enjoyment by every girl, is universally recognized and guaranteed in many international and regional legal instruments.[10] It consists of four essential and interrelated principles — availability, accessibility, acceptability and adaptability — which duty-bearers have the obligation to respect, protect and fulfil (see A/HRC/35/11, para. 5).

16. Education is an enabling right, which fosters the realization of all other human rights, and one of the key tools through which communities facing marginalization, such as people of African descent, are able to overcome poverty and access other fundamental human rights (see E/C.12/1999/10, para. 1). Education is also central to the elimination of discrimination against women (see A/HRC/26/39, para. 33).

17. Human rights mechanisms have expressed concerns about the high numbers of women and girls facing marginalization who have been prevented from accessing education. For example, the Committee on the Elimination of Discrimination against Women, in its concluding observations on the combined eighth and ninth periodic reports of Canada, considered in 2016, expressed concern that indigenous and Afro-Canadian women and girls had lower educational and academic achievements and were more likely to drop out. With respect to Honduras, the Committee highlighted the fact that illiteracy rates and secondary school drop-out rates for girls of African descent in rural contexts were disproportionately high, often due to poverty, early pregnancy, early marriage and child labour (see CEDAW/C/HND/CO/7-8, para. 32). In its concluding observations on Ecuador, the Committee noted the limited access to education and the poor quality of education in rural contexts, which limited the number of women of African descent who would go on to access higher education (see CEDAW/C/ECU/CO/8-9, para. (a)).

[10] See, for example, the International Covenant on Economic, Social and Cultural Rights, art. 13 (2); the Convention on the Elimination of All Forms of Discrimination against Women, arts. 10, 14 and 16; the Convention on the Rights of the Child, arts. 28 and 29; the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education and its recommendation against discrimination in education; the African Charter on Human and Peoples' Rights, art. 17; the Arab Charter on Human Rights, art. 34; the Council of Europe Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, art. 2; and the American Declaration of the Rights and Duties of Man, arts. XII and XXXI.

18. The Working Group on the issue of discrimination against women in law and in practice drew attention to the fact that in Peru, while the national illiteracy rate had fallen, 8.6 per cent of illiterate persons in the country were Afro-Peruvian. They also noted the disparity in the illiteracy rate for Afro-Peruvian women, which was 6.7 per cent higher than that for Afro-Peruvian men (see A/HRC/29/40/Add.2). In Panama, a similar situation was observed by the Working of Experts on People of African Descent, which expressed concern that a large number of girls dropped out of school as a result of early pregnancy. This problem affected indigenous and Afro-Panamanian girls in particular. Although there exists a legal provision in Panama stipulating that girls should remain in education during and after pregnancy (Act No. 29 of 2002), the Working Group pointed out that there was no effective mechanism in place to ensure compliance with the Act (see A/HRC/24/52/Add.2, para. 49).

19. The factors contributing to the educational inequality of girls of African descent are related to discrimination based on sex. In many countries, parents prefer to invest in their sons' education, while daughters are often expected to stay at home to help run the household and look after younger brothers and sisters. Early marriage is another factor contributing to girls being taken out of school. Girls who do have access to education may face barriers to achievement, owing to a combination of factors, such as poverty, language and accessibility of educational centres.

20. Racism is another underlying factor in educational inequality. Educational materials often are gender-biased and contain racial stereotypes, contributing to the low quality of the educational experiences of women and girls of African descent. In many contexts, school curricula are not culturally relevant and fail to include the histories and contributions of Africans and people of African descent to the development of the nation's culture.[11] In this regard, the Committee on the Elimination of Racial Discrimination, in its general recommendation No. 34 on racial discrimination against people of African descent, requested States to review the language in textbooks to remove negative stereotypes of people of African descent (see CERD/C/GC/34, para. 61).

21. Several human rights mechanisms have urged States to adopt special measures to ensure access to education for marginalized groups. The Committee on Economic, Social and Cultural Rights, in its general comment No. 13 on the right to education, asserted that "the adoption of temporary special measures intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education" (see E/C.12/1999/10, para. 32). In its general recommendation 34, the Committee on the Elimination of Racial Discrimination called on States to "consider adopting special measures aimed at promoting the education of all students of African descent, guarantee equitable access to higher education for people of African descent and facilitate professional educational careers" (CERD/C/GC/34, para. 64).

22. The United Nations High Commissioner for Human Rights has called upon States to address the "multiple and intersecting forms of discrimination that girls may face and provide quality, inclusive education that is accessible to all girls, with particular attention to those in the most vulnerable and marginalized situations" (see A/HRC/35/11, para. 55).

[11] See Inter-American Commission on Human Rights, document OAS/Ser.L/V/II. Doc.62, para. 112.

23. In this vein, a number of countries have adopted special measures in the field of education to ensure access to and permanence in education for groups facing discrimination, including women and people of African descent.

Box 2
Peru: national development plan for the Afro-descendant population

In Peru, the national development plan for the Afro-descendant population contains a series of strategic actions in various areas. Of particular relevance are the following actions:

(a) Education campaigns against ethnic and racial discrimination;

(b) Prevention and care actions in educational institutions;

(c) Affirmative measures in the educational field to ensure equality for men and women as well as the recruitment of Afro-Peruvians in the public sector.

Box 3
Fellowship for people of African descent

Every year, the Office of the United Nations High Commissioner for Human Rights hosts a fellowship for people of African descent, which provides participants with a learning opportunity to deepen their understanding of the United Nations human rights system, with a focus on issues of particular relevance to people of African descent. Particular attention is paid to the participation of women of African descent. In 2017, when the programme was devoted to women of African descent, 11 women took part in it.

C. Health

24. The right to health must be guaranteed to everyone without discrimination, as provided in the International Covenant on Economic, Social and Cultural Rights (arts. 2(2) and 12) and the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5(e)(iv)). States have a duty both to refrain from discriminating against particular groups in the provision of health services and to take special measures to ensure that groups that have been historically marginalized and discriminated against have access to the health-care services they require.

25. In the Beijing Platform for Action, participants in the Fourth World Conference on Women recognized the interrelated factors contributing to disparities in the right to health for women, asserting that "the prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, racial and other forms of discrimination, the limited power many women have over their sexual and reproductive lives and lack of influence in decision-making are social realities which have an adverse impact on their health".[12]

[12] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 92.

26. Human rights mechanisms have drawn attention to instances in which women of African descent and migrant African women in the diaspora suffer disproportionately from the non-realization of their right to health, resulting in discriminatory patterns of ill health. The Working Group on the issue of discrimination against women in law and in practice expressed concern about the fact that in the United States there was no system of universal health insurance. This has had a disproportionate impact on African American and Hispanic women, who are as a consequence unable to access basic preventive care and treatments (see A/HRC/32/44/Add.2, para. 61).

27. Intersectional discrimination against women of African descent is particularly concerning in the area of sexual and reproductive health. Afro-Brazilian women, for instance, are three times more likely to die in childbirth than white women, owing in part to low-quality prenatal care (see A/HRC/27/68/Add.1, para. 86). In Honduras, high rates of HIV infection and the stigmatization of women living with HIV/AIDS particularly affect women of African descent (see CEDAW/C/HND/CO/7-8, para. 38).

28. The exclusion of women of African descent and migrant African women in the diaspora from quality sexual and reproductive health services is due to a combination of structurally discriminatory factors, such as poverty, the low availability of quality health services and a lack of culturally acceptable health services, as well as direct discrimination, stigmatization and racism within health facilities.[15]

29. Recognizing that the vast majority of maternal deaths were preventable in Brazil, the Working Group of Experts on People of African Descent explained that:

> The root causes of high maternal mortality rates include socioeconomic, regional, gender and racial disparities in health care. Maternal mortality is disproportionately high in the north and north-east of Brazil, as high as 73 per 1000 due to inequality in health-care provision. According to the Ministry of Health, Afro-Brazilian women are 50 per cent more likely to die of obstetric-related causes than white women. They receive lower quality health-care services, including less prenatal visits, and less information is provided (see A/HRC/27/68/Add.1, para. 86).

30. In Peru, a report published by the Office of the Ombudsman showed high rates of racist abuse and insults experienced by women of African descent when accessing health services. In all, 54.5 per cent of Afro-Peruvians reported that they had experienced discrimination and verbal abuse in public, with Afro-Peruvian women being the group most affected (see A/HRC/40/Add.2).

[15] See, for example, A/HRC/27/68/Add.1, para. 86; and A/HRC/33/61/Add.2, paras. 43, 48 and 56.

Box 4
Case of *Pimentel v. Brazil*

In 2002, Alyne da Silva Pimentel, a 28-year-old Afro-Brazilian woman, died from maternal health-related causes after her local health centre misdiagnosed her symptoms and delayed providing her with emergency obstetric care. In 2007, her mother submitted an individual complaint before the Committee on the Elimination of Discrimination Against Women, arguing that national authorities had made no effort to establish professional responsibility and that she had been unable to obtain justice in Brazil.

In August 2011, in *Pimentel v. Brazil*, the Committee noted that States have a human rights obligation to guarantee women of all racial and economic backgrounds timely and non-discriminatory access to appropriate maternal health services. The Committee found violations of the right to health care and failure to ensure effective judicial protection in the context of non-discrimination. The Committee concluded that Alyne da Silva Pimentel was discriminated against, not only on the basis of her sex, but also on the basis of her status as a woman of African descent and her socioeconomic background.[a]

The *Pimentel v. Brazil* case was the first case on maternal mortality to be decided by an international human rights body. It has global significance in advancing the reproductive rights and maternal health care of millions of women throughout the world, particularly those women facing racial discrimination.

[a] See CEDAW/C/49/D/17/2008.

D. Employment

31. The right to work without discrimination is enshrined in articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights. Further explanation of the content of this right is offered in general comment No. 23 of the Committee on Economic, Social and Cultural Rights, in which it is emphasized that the right to work belongs to all workers in all settings, regardless of gender, including workers from ethnic and other minorities (see E/C.12/GC/23, para. 5). International labour standards also protect particular aspects of the right to work as it relates to gender equality, including the Equal Remuneration Convention, 1951; the Discrimination (Employment and Occupation) Convention, 1958; the Workers with Family Responsibilities Convention, 1981; and the Maternity Protection Convention, 1952.[14]

32. Human rights mechanisms have highlighted that women of African descent and migrant African women in the diaspora face discrimination in the field of employment, affecting their enjoyment of the right to work. For instance, the Committee on the Elimination of Discrimination against Women noted with concern that women of African descent faced limited access to labour markets and, as a result, elevated rates of unemployment in Canada (see CEDAW/C/CAN/CO/8-9, para. 38). With respect to Ecuador, the Working Group of Experts on People of African Descent noted that 50 per cent of women of African descent who are employed engage in unstable, informal jobs (see A/HRC/13/59, para. 35). The Working Group also expressed concern about Brazil and Panama, where women of African descent are disproportionately represented among domestic workers (see A/HRC/27/68/Add.1, para. 84, and A/HRC/24/52/Add.2, para. 39). The Special

[14] See http://www.ilo.org/gender/Aboutus/ILOandGenderEquality/lang--en/index.htm.

Rapporteur on violence against women, its causes and consequences highlighted that, in the United Kingdom, black and minority ethnic women were overrepresented in part-time jobs, temporary work and self-employment and often worked in low-wage, feminized sectors of the economy (see A/HRC/29/27, para. 53).

33. Owing to a combination of overrepresentation in informal work, low education and racial and gender-based discrimination, women of African descent often earn less than other groups. For example, the Working Group on people of African Descent noted that in Brazil, women of African descent earned significantly less than both men of African descent and white men and women (see A/HRC/27/68/Add.2, para. 83). Similarly, the Working Group on the issue of discrimination against women in law and in practice expressed concern about the persistent wage gap in the United States based on both gender and ethnicity (see A/HRC/32/44/Add.2, para. 52).

E. Administration of justice and conditions of detention

34. Recognizing the prevalence of racial discrimination within justice systems, the Committee on the Elimination of All Forms of Racial Discrimination, in its general recommendation No. 34, calls on States to "take measures to prevent the use of illegal force, torture, inhuman or degrading treatment or discrimination by the police or other law enforcement agencies and officials against people of African descent, especially in connection with arrest and detention, and ensure that people of African descent are not victims of practices of racial or ethnic profiling" (see CERD/C/GC/34, para. 39). Furthermore, in the Durban Declaration and Programme of Action, States were encouraged "to identify factors which prevent equal access to, and the equitable presence of, people of African descent at all levels of the public sector ... and in particular the administration of justice".[15]

35. The issue of racial violence and discrimination within the justice system, including racial profiling and violence by the police predominantly against men of African descent, has received growing attention in recent years. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has reported that police forces have been implicated in many hate crimes, either as perpetrators or in their complicity with such crimes following failures to properly respond to allegations of hate crime. This includes police involvement in crimes of sexual and gender-based violence against women of African descent, which often go unreported or are not thoroughly investigated (see A/HRC/29/47, para. 12).

36. In 2011, the Special Rapporteur on violence against women, during her country visit to the United States of America, found that African-American women represented 30 per cent of all women incarcerated under state or federal jurisdiction (see A/HRC/17/26/Add.5, para. 46). More recently, in 2016, the Working Group on the issue of discrimination against women in law and in practice found that the figure had dropped to 21 per cent of the imprisoned female population, but that the incarceration rate for African-American women was still more than twice that of white women (see A/HRC/33/61/Add.2, para. 29). The Working Group found that not only were women of African descent more likely to be imprisoned, but that there was an increasing number of homicides of African-American women by the police (see A/HRC/32/44/Add.2, para. 78).

37. In Panama, the Working Group of Experts on People of African Descent found that women of African descent were overrepresented in prisons and most were

[15] See A/CONF.189/12 and Corr.1, chap. I, Programme of Action, para. 11.

sentenced either for drug offences, often committed unwillingly or unwittingly, or petty street crime. In that context, the Working Group also expressed concern about sexual abuse, harassment and rape faced by women of African descent in prison (see A/HRC/24/52/Add.2, para. 76). The Committee on the Elimination of Discrimination against Women has also expressed concern that in the United Kingdom, women are more likely than men to be incarcerated for non-violent offences and black and minority ethnic women are overrepresented among the female prison population (see CEDAW/C/GBR/CO/7, para. 54).

38. The overrepresentation of women of African descent within the criminal justice system is due to a combination of underlying factors, including structural racism and racial profiling, poverty and lack of educational and employment opportunities. The Special Rapporteur on violence against women, its causes and consequences found that, in the United Kingdom, black and minority ethnic women in prisons were more likely to have been part of the State care system. Furthermore, she observed that black and women of minority background were more likely to be living in a deprived area, more likely to be subject to poverty and more likely to find it harder to access educational opportunities (see A/HRC/29/27/Add.2, para. 30).

39. Women of African descent and migrant African women in the diaspora also lack access to justice when they are victims of crime. This is due to a number of interrelated obstacles, including insufficient resources, poor infrastructure and lack of specialized units and staff trained on gender issues, among others. For example, in the United Kingdom, the Special Rapporteur found that:

> Regarding the police response to domestic violence, interviewees reported a pattern of continued scepticism, indifference and lack of empathy towards women, particularly women from black and minority ethnic communities. Effective action is rare, even when injuries from physical assaults are visible, and is virtually non-existent in cases of coercive control involving emotional, sexual and financial abuse (ibid., para. 96).

40. The failure to receive an adequate response from the justice system in cases of violence and abuse means that women of African descent are often reluctant to report incidents. For instance, the Special Rapporteur found, in cases of intimate partner violence in the United States, that:

> The reluctance to reach out to the police is even more entrenched among minority and immigrant communities, as they may view the police and the courts as oppressive, rather than protective institutions. For example, during interviews with survivors and advocates the Special Rapporteur heard accounts of disproportionate arrests of women of colour following incidents of intimate partner violence. For instance, stereotypes about African-American women as being "more aggressive" sometimes lead to police officers not adequately differentiating between victim and perpetrator when intervening in such cases (see A/HRC/17/26/Add.5, para. 14).

41. In its general recommendation No. 33 on women's access to justice (see CEDAW/C/GC/33), the Committee on the Elimination of Discrimination against Women calls on States to take a number of steps to ensure justiciability, availability, accessibility, good quality, provision of remedies and accountability of justice systems. It further calls on States to remove laws, procedures and practices that discriminate against women and take steps to remove stereotyping and gender bias within the justice system.

42. For many women of African descent and migrant African women in the diaspora, language is another common obstacle to accessing justice. An important

step toward addressing this problem is the translation of legislation and policy into the languages of those communities most affected. In Honduras, the Government has now translated the Law against Domestic Violence and the Law for Equal Opportunities for Women into indigenous and Afro-Honduran languages.

Box 5
Spain: Movement for Peace

The Spanish civil society organization Movement for Peace reported that it provides free legal aid to women of African descent who are in need. The organization believes that information about legal services and legal centres should be easily available and widely distributed, especially among groups facing multiple forms of discrimination, such as women of African descent. The organization provides training to people of African descent about their legal rights and the available services. It also undertakes activities to prevent gender-based violence and workshops on individual complaints procedures under the International Convention on the Elimination of All Forms of Racial Discrimination which are aimed at legal advisers and human rights advocates.

F. Stereotyping

43. One of the most commonly reported violations of the rights of women of African descent concerns racism and negative stereotyping. The Working Group on the issue of discrimination against women in law and in practice highlighted how gender stereotypes intersect with stereotypes that target ethnic minority women (see A/HRC/29/40/Add.2, para. 58). The Office of the Ombudsman of Peru also explained that Afro-Peruvian girls and boys face the normalization of discrimination, racist insults and ridicule, and sexism. This leads to the perpetuation of stereotypes and social representations, which, added to racial discrimination, accentuates the context of inequality and exclusion in which Afro-Peruvian girls and boys develop.

44. Harmful and wrongful gender stereotypes have been recognized as a significant obstacle to the realization of women and girls' rights.[16] For example, gender stereotypes about the role of women and girls underpin the obstacles to girls' equal enjoyment of quality education. In its general comment No. 33 on women's access to justice, the Committee on the Elimination of Discrimination Against Women addresses how gender stereotypes impede women's access to justice, particularly victims and survivors of violence, influencing perceptions of justice officials and compromising the impartiality of the justice system (see CEDAW/C/GC/33, para. 26).

[16] Office of the United Nations High Commissioner for Human Rights, "Gender stereotyping as a human rights violation" (2013).

Box 6
Netherlands: conference entitled "Learn, Participate and Connect: Decade for People of African Descent"

The Netherlands reported that it pays attention to the intersectionality faced by black women, including in the media. During the conference entitled "Learn, Participate and Connect: Decade for People of African Descent", held in Amsterdam on 12 December 2016, attention was given to this issue through a film screening and a discussion about black women in the media by the filmmaker Ida Does. In the Decade project, attention is being given to enforcing the positive identity of Africans in the Netherlands and to a larger resilience against discrimination.

Box 7
United Nations: education and awareness-raising

OHCHR, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the non-governmental organization Black Women's Blueprint organized a panel discussion on women of African descent in April 2016, during which the right to education for women of African descent was discussed. The meeting was co-sponsored by the Department of Public Information.

On the occasion of Human Rights Day in December 2016, the Department of Public Information organized a film night, co-sponsored by the Permanent Mission of Jamaica, the United Nations Educational, Scientific and Cultural Organization and the African Diaspora International Film Festival, featuring short films by young women producers of African descent. OHCHR also participated in the event. In February 2017, the Department partnered with the African Burial Ground National Monument to host two screenings of the film *Maya Angelou: And Still I Rise* in New York, a documentary celebrating the life of this renowned women writer, artist and activist of African descent.

G. Political participation

45. Women's right to participate in political life is guaranteed under article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women. In the Durban Declaration and Programme of Action the importance and necessity of facilitating the full participation of people of African descent at all levels in the decision-making process was affirmed.[17] Further, States were urged to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries.[18]

46. The Committee on the Elimination of Racial Discrimination, in its general recommendation No. 34, urges States to take steps to ensure that authorities at all levels in the State respect the right of members of communities of people of African descent to participate in decisions that affect them. States should take special and concrete measures to guarantee people of African descent the right to participate in elections, to vote and stand for election on the basis of equal and universal suffrage and to have due representation in all branches of government; facilitate greater representation in governance; and take all necessary steps, including special

[17] A/CONF.189/12 and Corr.1, chap. I, Declaration, para. 32.
[18] Ibid., Programme of Action, para. 4.

measures, to secure equal opportunities for the participation of people of African descent in all central and local government bodies. The right to participate in decision-making on national action plans to eliminate discrimination and to ensure development should also be emphasized. To this end, the Committee on the Elimination of Racial Discrimination recommends that States formulate and put in place comprehensive national strategies with the participation of people of African descent (see CERD/C/GC/34, paras. 19, 42, 43 and 45).

47. People of African descent, particularly women, have historically experienced low levels of political participation and representation. The barriers to political participation are multiple and interrelated and include direct and indirect discrimination that has led to lower levels of education and social capital, poverty, language barriers, geographical marginalization and lack of access to public information.

48. In its seventh periodic report to the Committee on the Elimination of Discrimination Against Women, the Government of the United Kingdom noted that black and ethnic minority women represented 5.8 per cent of the population, yet made up less than 1 per cent of councillors at the local government level (see CEDAW/C/GBR/7, para. 93). In its concluding observations on the report, the Committee stated that, while there were increases in women's representation and participation in politics, women of African descent and those belonging to other minority groups continued to be underrepresented in some fields (see CEDAW/C/GBR/CO/7, para. 42).

49. The Working Group on the issue of discrimination against women in law and in practice also noted with concern in its report on its mission to the United States that there was not a single African-American woman senator at that time (see A/HRC/32/44/Add.2, para. 41).

50. The Committee on the Elimination of Discrimination against Women encourages States to adopt temporary special measures, recognizing that:

> "Where countries have developed effective temporary strategies in an attempt to achieve equality of participation, a wide range of measures has been implemented, including recruiting, financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, setting numerical goals and quotas and targeting women for appointment to public positions such as the judiciary or other professional groups that play an essential part in the everyday life of all societies."[19]

51. In this regard, the Committee welcomed the adoption of Law No. 1475 (2011) of Colombia, which established a 30 per cent quota for women in the electoral lists of political parties, but expressed its concern at the low level of representation of women in the Congress (less than 18 per cent) and the marked absence of representation of Afro-Colombian women therein (see CEDAW/C/COL/CO/7-8, para. 21). In addition, the Committee noted that Ecuador had adopted gender parity and alternated women and men candidates on multiperson electoral lists. However, it noted with concern that the representation of women in single-person positions and on local political bodies remained limited, in particular with regard to indigenous and Afro-Ecuadorian women (see CEDAW/C/ECU/CO/8-9, para. 24).

[19] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 38* (A/52/38/Rev.1), part two, chap. I.A, para. 15.

Box 8
Mexico: national programme for equality and non-discrimination, 2014-2018

In Mexico, the national programme for equality and non-discrimination, 2014-2018, contains actions for at least 12 groups in a situation of discrimination, including Afro-descendants. It also includes 13 lines of action for the Afro-descendant population. One action aims to increase the participation of Afro-descendant and indigenous women in the political sphere and in positions of popular representation.

52. In addition to the right to participate in national and local politics, people of African descent have the right to participate in decision-making that affects their lives and their communities. The Committee on the Elimination of Discrimination Against Women has expressed concern, however, that there is often a lack of adequate protocols to guarantee the participation of Afro-descendant women in decision-making processes (see CEDAW/C/COL/CO/7-8, para. 33 (b); CEDAW/C/ECU/CO/8-9, para. 38; and CEDAW/C/BOL/CO/5-6, para. 34).

Box 9
Mexico: Fifth Forum of Indigenous, Afro-Mexican, Mestizo and Rural Leadership Women of the State of Oaxaca

In March 2017, in the context of the International Decade for People of African Descent, Mexico organized the Fifth Forum of Indigenous, Afro-Mexican, Mestizo and Rural Leadership Women of the State of Oaxaca. The objectives of the Forum were to discuss the political participation and representation of women, gender parity, and the political and economic empowerment of women in Oaxaca.

H. Violence against women

53. Gender-based violence against women is well recognized as a form of discrimination against women, which States are obliged under international law to eliminate. The Committee on the Elimination of Discrimination Against Women has also recognized that violence and discrimination are inextricably linked to other factors that affect women's lives, including race or ethnicity. Thus, the Committee recommends that capacity-building, education and training for the judiciary, lawyers and law enforcement officers, including forensic medical personnel, legislators and health-care professionals, include the understanding of trauma and its effects, the power dynamics that characterize intimate partner violence and the varying situations of women experiencing diverse forms of gender-based violence. This should include the intersectional discrimination affecting specific groups of women, as well as adequate ways to address women and eliminate factors that revictimize them and weaken their confidence in State institutions and agents (see CEDAW/C/GC/35, paras. 12 and 38 (b)).

54. The Special Rapporteur on violence against women, its causes and consequences found that many women in the United Kingdom belonging to minority groups faced marginalization, and that black, ethnic minority and refugee communities were the victims of harmful practices. She also reported that narratives in the United Kingdom surrounding violence against black and minority ethnic women and girls could be problematic, as they were framed only within notions of culture, community or religion, rather than within the larger context of a general

patriarchal and discriminatory societal approach to women and girls. The effect of this was that the legal and policy responses to violence against women in ethnic minority groups were then limited to some harmful practices, such as early/forced marriages of young women and girls or female genital mutilation. They tended to ignore the harms emanating from other sexist practices that had an impact on women and girls of all ethnic and racial backgrounds (see A/HRC/29/27/Add.2, paras. 17 and 68).

55. With respect to Honduras, the Committee on the Elimination of Discrimination Against Women found that women and girls from rural areas, indigenous communities and communities of African descent were at high risk of becoming victims of trafficking for sexual exploitation or forced labour. As a response, Honduras has created an inter-agency commission against commercial sexual exploitation and trafficking in persons. Violence against women is also linked to repression of environmental and land rights movements in Honduras. For instance, the Committee has expressed concern at the increasingly repressive measures, attacks, sexual violence, harassment, intimidation, reprisals and defamation campaigns against women human rights defenders, especially in the context of land development projects, advocacy for environmental protection and defence of the human rights of women from indigenous communities and from communities of African descent (see CEDAW/C/HND/CO/7-8, paras. 24 and 28).

56. In the United States, African-American women experience unique [illegible] and cultural pressures that contribute to higher rates of discrimination and violence than other women. The Special Rapporteur on violence against women, its causes and consequences reported that African-American women experienced intimate partner violence at rates 35 per cent higher than their white counterparts and two and a half times the rate of men and other racial groups (see A/HRC/17/26/Add.5, para. 52). Similarly, the Working Group of Experts on People of African Descent expressed concern at the disproportionate number of African-American women subjected to heightened levels of violence, including rape and sexual violence. It also deplored reports of police brutality and the increased number of killings of African-American women by the police. Furthermore, it expressed concern over the persistent fatal consequences for women as a consequence of the lack of gun control, particularly in cases of domestic violence (see A/HRC/33/61/Add.2, para. 57).

I. Data collection

57. Disaggregated data and statistics on the human situation of any group facing marginalization are required in order to design suitable legal and policy responses. While most countries now have extensive data on women and gender inequality, many do not yet collect racially disaggregated data highlighting the situations of people of African descent. Thus, the experiences of women of African descent often get subsumed under data on women in general, which hides the patterns of inequality among women and risks indicating that the situation of all women has improved, when often this is not the case.

58. In paragraphs 13 and 14 of the Programme of Activities for the International Decade (General Assembly resolution 69/16, annex) States are called upon to collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels, and take all other related measures necessary to assess regularly the situation of people of African descent. Such statistical data should be disaggregated in accordance with national legislation, upholding the right to privacy and the principle of self-identification. The information should be collected to monitor the situation of people of African descent, assess the progress made,

identify social gaps and guide the formulation of policies to prevent, combat and eradicate racism, racial discrimination xenophobia and related intolerance.

Box 10

Meeting on the issue of the collection and disaggregation of statistical data in the Latin American and Caribbean region

In May 2017, the Office of the United Nations High Commissioner for Human Rights and the Secretariat for Access to Rights and Equality of the Organization of American States organized a meeting in Chile on the issue of the collection and disaggregation of statistical data in the Latin American and Caribbean region. Participants examined the possibility of establishing a set of indicators that could aid in measuring the impact of public policies addressed to people of African descent, paying particular attention to women of African descent. Participants further highlighted the linkages between the Sustainable Development Goals and the International Decade and shared existing national practices from the region.

III. Conclusions and recommendations

59. **While many States have implemented gender-based approaches or gender mainstreaming in poverty reduction programmes, women and girls of African descent are often not reached or included in such programmes owing to barriers caused by intersecting forms of discrimination. In line with the Programme of Activities for the International Decade, States should establish a legislative and policy framework to mainstream an intersectional gender perspective when designing, implementing and monitoring public policies for poverty reduction and the realization of basic human rights, taking into account the specific needs and realities of women and girls of African descent.**

60. **Intersectional discrimination is an obstacle to the realization of the basic rights of women and girls of African descent in all areas of their lives. This is particularly evident in social policy. States should take steps to ensure that public service providers, in particular in the fields of social protection, health and access to justice, adopt policies and procedures to eliminate all forms of discrimination faced by women of African descent when accessing essential services. Such steps should include education and outreach, adequate training for service providers and culturally acceptable services that take into account the views of women of African descent.**

61. **Some States have adopted gender-based and race- or ethnicity-based special measures, such as affirmative action and quota policies, to ensure improved access to education and public positions. However, women of African descent continue to benefit less from such initiatives than do women and men who are not part of an ethnic minority. States should consider adopting temporary special measures, such as affirmative action, that address the particular forms of intersectional discrimination that women and girls of African descent face in all areas of their lives.**

62. **Women of African descent face particularly severe discrimination in employment, with high rates of unemployment, low wages and often precarious working conditions. States should ensure that all women of African descent are free from discrimination in employment, including by addressing the particularly high rates of unemployment and disproportionately low wages. Recognizing the particular vulnerability of women of African descent who work**

in domestic services, States should ratify the ILO Convention concerning decent work for domestic workers, 2011, and adopt necessary measures for its effective implementation. States should also invest funds in education and professional training for women of African descent through scholarships and training programmes, to improve employment opportunities and provide livelihood support and training.

63. Throughout the world, women and girls of African descent are subject to patterns of negative stereotyping, which are the underlying causes of exclusion, marginalization, violence and violations of their human rights. States should take measures to combat negative and discriminatory gendered and racist stereotypes of women of African descent, in particular by taking concrete steps to remove all such stereotypes from educational materials and popular media.

64. Violence against women is both a cause and a consequence of discrimination facing women and girls of African descent. States must address the disproportionate incidence of violence against women of African descent, notably the trafficking of persons, sexual violence and exploitation, domestic abuse and police brutality.

65. Many States still lack sufficiently disaggregated data on the human rights situations of women of African descent, which are invaluable for designing suitable policy interventions to address patterns of multiple and intersectional discrimination. States should adopt specific policies to ensure that all official data collection mechanisms and institutions include instruments and methodologies to collect data that can reveal the human rights situation of women and girls of African descent and the specific patterns of multiple and intersecting discrimination they face.